

SENATE BILL 249

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2003 Regular Session  
3r1395  
CF 3r1658

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By: **Senators Grosfeld, Britt, Forehand, Gladden, Hollinger, Jacobs, Jones,  
Kelley, Kramer, Lawlah, and Ruben**

Introduced and read first time: January 30, 2003

Assigned to: Judicial Proceedings

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Committee Report: Favorable

Senate action: Adopted

Read second time: March 6, 2003

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Family Law - Grounds for Absolute Divorce**

3 FOR the purpose of adding cruelty of treatment toward a child of the complaining  
4 party and excessively vicious conduct toward a child of the complaining party as  
5 grounds for an absolute divorce; providing that recrimination is not a bar to  
6 obtaining a divorce on any of the specified absolute divorce grounds; and  
7 generally relating to grounds for an absolute divorce.

8 BY repealing and reenacting, with amendments,  
9 Article - Family Law  
10 Section 7-103  
11 Annotated Code of Maryland  
12 (1999 Replacement Volume and 2002 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article - Family Law**

16 7-103.

17 (a) The court may decree an absolute divorce on the following grounds:

18 (1) adultery;

19 (2) desertion, if:

1 (i) the desertion has continued for 12 months without interruption  
2 before the filing of the application for divorce;

3 (ii) the desertion is deliberate and final; and

4 (iii) there is no reasonable expectation of reconciliation;

5 (3) voluntary separation, if:

6 (i) the parties voluntarily have lived separate and apart without  
7 cohabitation for 12 months without interruption before the filing of the application for  
8 divorce; and

9 (ii) there is no reasonable expectation of reconciliation;

10 (4) conviction of a felony or misdemeanor in any state or in any court of  
11 the United States if before the filing of the application for divorce the defendant has:

12 (i) been sentenced to serve at least 3 years or an indeterminate  
13 sentence in a penal institution; and

14 (ii) served 12 months of the sentence;

15 (5) 2-year separation, when the parties have lived separate and apart  
16 without cohabitation for 2 years without interruption before the filing of the  
17 application for divorce;

18 (6) insanity if:

19 (i) the insane spouse has been confined in a mental institution,  
20 hospital, or other similar institution for at least 3 years before the filing of the  
21 application for divorce;

22 (ii) the court determines from the testimony of at least 2 physicians  
23 who are competent in psychiatry that the insanity is incurable and there is no hope of  
24 recovery; and

25 (iii) 1 of the parties has been a resident of this State for at least 2  
26 years before the filing of the application for divorce;

27 (7) cruelty of treatment toward the complaining party OR A CHILD OF  
28 THE COMPLAINING PARTY, if there is no reasonable expectation of reconciliation; or

29 (8) excessively vicious conduct toward the complaining party OR A CHILD  
30 OF THE COMPLAINING PARTY, if there is no reasonable expectation of reconciliation.

31 (b) Recrimination is not a bar to either party obtaining an absolute divorce on  
32 the grounds set forth in subsection (a)(1) through [(5)] (8) of this section, but is a  
33 factor to be considered by the court in a case involving the ground of adultery.

1 (c) Res judicata with respect to another ground under this section is not a bar  
2 to either party obtaining an absolute divorce on the ground of 2-year separation.

3 (d) Condonation is not an absolute bar to a decree of an absolute divorce on the  
4 ground of adultery, but is a factor to be considered by the court in determining  
5 whether the divorce should be decreed.

6 (e) (1) A court may decree an absolute divorce even if a party has obtained a  
7 limited divorce.

8 (2) If a party obtained a limited divorce on the ground of desertion that  
9 at the time of the decree did not meet the requirements of subsection (a)(2) of this  
10 section, the party may obtain an absolute divorce on the ground of desertion when the  
11 desertion meets the requirements of subsection (a)(2) of this section.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
13 October 1, 2003.